

Subpart 13.5 - Simplified Procedures for Certain Commercial Products and Commercial Services

13.500 General.

(a) This subpart authorizes the use of simplified procedures for the *acquisition* of *supplies* and services in amounts greater than the *simplified acquisition threshold* but not exceeding \$7.5 million (\$15 million for *acquisitions* as described in [13.500\(c\)](#)), including *options*, if the *contracting officer* reasonably expects, based on the nature of the *supplies* or services sought, and on *market research*, that *offers* will include only *commercial products* or *commercial services*. *Contracting officers* may use any simplified *acquisition* procedure in this part, subject to any specific dollar limitation applicable to the particular procedure. The purpose of these simplified procedures is to vest *contracting officers* with additional procedural discretion and flexibility, so that commercial *acquisitions* in this dollar range *may* be solicited, offered, evaluated, and awarded in a simplified manner that maximizes efficiency and economy and minimizes burden and administrative costs for both the Government and industry ([10 U.S.C.2304\(g\)](#) and [2305](#) and [41 U.S.C.3305](#), [3306](#), and chapter 37, Awarding of Contracts.

(b) When acquiring *commercial products* or *commercial services* using the procedures in this part, the requirements of [part 12](#) apply subject to the order of precedence provided at [12.102\(c\)](#). This includes use of the provisions and clauses in [subpart 12.3](#).

(c) Under [41 U.S.C. 1903](#), the *simplified acquisition procedures* authorized in this subpart *may* be used for *acquisitions* that do not exceed \$15 million when-

(1) The *acquisition* is for *commercial products* or *commercial services* that, as determined by the *head of the agency*, are to be used in support of a *contingency operation*; to facilitate the defense against or recovery from cyber, nuclear, biological, chemical, or radiological attack; to support a request from the Secretary of State or the Administrator of the *United States Agency for International Development* to facilitate provision of international disaster assistance; or to support response to an *emergency* or *major disaster*, or

(2) The *acquisition* will be treated as an *acquisition* of *commercial products* or *commercial services* in accordance with [12.102\(f\)\(1\)](#).

13.501 Special documentation requirements.

(a) Sole source (including brand name) *acquisitions*.

(1) *Acquisitions* conducted under *simplified acquisition procedures* are exempt from the requirements in [part 6](#). However, *contracting officers* must-

(i) Conduct *sole source acquisitions*, as defined in [2.101](#), (including brand name) under

this subpart only if the need to do so is justified *in writing* and approved at the levels specified in paragraph (a)(2) of this section;

(ii) Prepare sole source (including brand name) justifications using the format at [6.303-2](#), modified to reflect that the procedures in FAR [subpart 13.5](#) were used in accordance with [41 U.S.C.1901](#) or the authority of [41 U.S.C.1903](#);

(iii) Make publicly available the justifications (excluding brand name) required by [6.305\(a\)](#) within 14 days after contract award or in the case of unusual and compelling urgency within 30 days after contract award, in accordance with [6.305](#) procedures at paragraphs (b), (d), (e), and (f); and

(iv) Make publicly available brand name justifications with the *solicitation*, in accordance with [5.102\(a\)\(6\)](#).

(2) Justifications and approvals are required under this subpart for sole-source (including brand-name) *acquisitions* or portions of an *acquisition* requiring a brand-name. If the justification is to cover only the portion of the *acquisition* which is brand-name, then it *should* so state; the approval level requirements will then only apply to that portion.

(i) For a proposed contract exceeding the *simplified acquisition threshold*, but not exceeding \$750,000, the *contracting officer's* certification that the justification is accurate and complete to the best of the *contracting officer's* knowledge and belief will serve as approval, unless a higher approval level is established in accordance with agency procedures.

(ii) For a proposed contract exceeding \$750,000 or the thresholds in paragraph (1) of the definition of *simplified acquisition threshold* in [2.101](#), but not exceeding \$15 million, the advocate for competition for the *procuring activity*, designated pursuant to [6.501](#); or an official described in [6.304\(a\)\(3\)](#) or (a)(4) *must* approve the justification and approval. This authority is not delegable.

(iii) For a proposed contract exceeding \$15 million but not exceeding \$75 million or, for DoD, NASA, and the Coast Guard, not exceeding \$100 million, the head of the *procuring activity* or the official described in [6.304\(a\)\(3\)](#) or (a)(4) *must* approve the justification and approval. This authority is not delegable.

(iv) For a proposed contract exceeding \$75 million or, for DoD, NASA, and the Coast Guard, \$100 million, the official described in [6.304\(a\)\(4\)](#) *must* approve the justification and approval. This authority is not delegable except as provided in [6.304\(a\)\(4\)](#).

(b) *Contract file documentation.* The contract file *must* include-

(1) A brief written description of the procedures used in awarding the contract, including the fact that the procedures in FAR [subpart 13.5](#) were used;

(2) The number of *offers* received;

(3) An explanation, tailored to the size and complexity of the *acquisition*, of the basis for the contract award decision; and

(4) Any justification approved under paragraph (a) of this section.